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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 AMAZON.COM, INC., a Delaware corporation,

10 Plaintiff,

11 v.

12 ROY ORON, an individual; MAAYAN
13 MARZAN (aka MAAYAN ALMOG), an
14 individual; CLICKOMY, LTD., an Israeli
15 company; RASHEED ALI, an individual;
16 PETER BRADFORD, an individual; CASH
17 NETWORK, LLC, a Nevada limited liability
18 company; JEFFREY GILES, an individual;
DALE BROWN, an individual; FIRST
IMPRESSION INTERACTIVE, INC., an Illinois
corporation; and JOHN DOES 1–10,

19 Defendants.

No. 2:19-cv-00523-RSM

STIPULATED MOTION AND
ORDER REGARDING ANSWER
DEADLINES AND CASE
SCHEDULE

20 **I. INTRODUCTION**

21 Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiff Amazon.com, Inc. (“Amazon”),
22 Defendants Cash Network, LLC, Rasheed Ali, and Peter Bradford (collectively “Cash Network
23 Defendants”), and Defendants First Impression Interactive, Inc., Jeffrey Giles, and Dale Brown
24 (collectively “First Impression Defendants”)¹ move the Court to extend the deadlines set in the
25 Court’s Order Setting Trial Date and Related Dates (“Scheduling Order”) (Dkt. #40). After the

26 ¹ Collectively, these are all of the defendants who have currently appeared in this case. Defendants Maayan
27 Marzan and Clickomy Ltd. have not appeared. Defendant Roy Oron’s counsel withdrew from the case, new
counsel has not appeared, and the defendant has not otherwise participated since his counsel’s withdrawal.

1 Scheduling Order was entered, Amazon filed its First Amended Complaint (“FAC”) (Dkt. #52),
2 which added seven new defendants to the case. Since filing the FAC, Amazon diligently
3 served the international defendants and has continued discovery. The parties also spent
4 considerable time discussing settlement, but have not yet reached a resolution. The parties now
5 request a roughly four-month extension to the Scheduling Order to conduct discovery and
6 prepare the case for trial. The parties have not previously sought an extension of the
7 Scheduling Order.

8 **II. BACKGROUND**

9 Amazon filed its Complaint on April 10, 2019 against Roy Oron (“Oron”) and the First
10 Impression Defendants (Dkt. #1). Amazon voluntarily dismissed Jeffrey Giles and Dale Brown
11 soon after filing the case (Dkt. #22). On May 24, 2019, Amazon moved for authorization for
12 alternative service on Oron (Dkt. #15), which the Court granted on June 6, 2019 (Dkt. #19).
13 Amazon promptly completed service on Oron (Dkt. #21).

14 On July 5, 2019, Oron moved to dismiss the case for lack of personal jurisdiction (Dkt.
15 #27). Despite not receiving a stay from the Court in connection with the motion, Oron refused
16 to participate in any of the requirements set forth in the Court’s initial scheduling order (Dkt.
17 #5), and refused to respond to Amazon’s discovery requests. On September 19, 2019, the
18 Court denied Oron’s motion to dismiss (Dkt. #42). On the same day, Oron’s attorney filed a
19 motion to withdraw (Dkt. #41), which the Court granted on November 1, 2019 (Dkt. # 54).

20 Separate from Oron, Amazon worked with First Impression to complete the pre-
21 discovery requirements, such as exchanging initial disclosures and completing the Joint Status
22 Report (Dkt. #29). Amazon then pursued discovery of First Impression, and Amazon served
23 ten subpoenas on third parties.

24 On October 8, 2019, and based on the discovery Amazon conducted, Amazon moved
25 for leave to file its FAC (Dkt. #45). The Court granted Amazon’s motion on October 25, 2019
26 (Dkt. #51), and Amazon promptly filed the FAC on October 31, 2019 (Dkt. #52). Among other

1 things, the FAC added seven new defendants: Clickomy, Ltd., Maayan Marzan, Jeffrey Giles,
2 Dale Brown, Cash Network, LLC, Rasheed Ali, and Peter Bradford.

3 On November 5, 2019, Amazon moved for authorization for alternative service of
4 process on Defendants Maayan Marzan and Clickomy Ltd. (Dkt. #55). On November 21,
5 2019, the Court granted Amazon's motion (Dkt. # 59), and Amazon completed service on
6 November 26, 2019 (Dkt. #60).

7 Defendants Oron and Clickomy Ltd. have failed to appear or otherwise respond to the
8 FAC. Accordingly, on February 5, 2020, Amazon filed a Motion for Default against Oron and
9 Clickomy Ltd. (Dkt. #62).

10 Defendant Marzan has not yet appeared in the case, but counsel for Marzan has been in
11 contact with counsel for Amazon regarding a possible settlement. Those discussions are
12 ongoing.

13 The First Impression Defendants and the Cash Network Defendants have not answered
14 the FAC (in part) because they have been engaged in settlement discussions with Amazon.
15 Though the parties continue those discussions, no agreement has been reached. The parties,
16 therefore, wish to adjust the case schedule in order to proceed with the litigation.

17 **III. STIPULATED REQUEST**

18 Good cause exists to extend the Scheduling Order by roughly four months. This is the
19 first time the parties have requested an extension of the Scheduling Order. After the Court
20 entered the Scheduling Order, seven new defendants have been added to this litigation. Two of
21 the new defendants are located internationally, and required alternative service. Amazon also
22 conducted significant third-party discovery in order to identify the additional defendants and
23 gather evidence to support its case.

24 The current Scheduling Order (Dkt. #40) does not provide sufficient time for the parties
25 to pursue their claims and defenses. For example, the current expert disclosure deadline is June
26 10, 2020, and the deadline for completion of discovery is August 10, 2020. Some of the newly-

1 added defendants anticipate filing Rule 12 motions in response to the FAC. In particular, the
2 Cash Network Defendants contend this Court lacks jurisdiction over them and intend to assert
3 those defenses in a Rule 12 Motion to be filed. The Parties will not have sufficient time after
4 the anticipated Rule 12 motions to complete discovery by the current case deadlines.

5 Accordingly, Amazon, the Cash Network Defendants, and the First Impression
6 Defendants jointly request the following action:

- 7 1. That the Cash Network Defendants and the First Impression Defendants be
8 ordered to file an answer or other responsive motion to the FAC on March 6, 2020; and
9 2. That the Court amend the Scheduling Order as shown below:

	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL DATE	December 7, 2020	April 5, 2021
Disclosure of expert testimony under FRCP 26(a)(2)	June 10, 2020	October 9, 2020
Deadline for filing motions related to discovery	July 10, 2020	November 9, 2020
Discovery completed by	August 10, 2020	December 9, 2020
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter	September 8, 2020	January 11, 2021
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	October 23, 2020	February 26, 2021
All motions in limine must be filed by and noted on the motion calendar no later than the third Friday thereafter	November 9, 2020	March 8, 2021
Agreed pretrial order due	November 25, 2020	March 24, 2021
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	December 2, 2020	March 31, 2021

26 DATED this 5th day of February, 2020.

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Attorneys for Defendants First Impression
Interactive, Inc., Jeffrey Giles, and Dale
Brown

ORDER

Given the stipulation above, and for good cause, the Court issues the following revised deadlines:

- 1) the Cash Network Defendants and the First Impression Defendants are to file an answer or other responsive motion to the FAC no later than March 6, 2020, and
- 2) the scheduling order is modified as set forth below.

	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL DATE	December 7, 2020	April 5, 2021
Disclosure of expert testimony under FRCP 26(a)(2)	June 10, 2020	October 9, 2020
Deadline for filing motions related to discovery	July 10, 2020	November 9, 2020
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Agreed pretrial order due	November 25, 2020	March 24, 2021
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	December 2, 2020	March 31, 2021

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1 DATED this 7th day of February 2020.

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4 RICARDO S. MARTINEZ
5 CHIEF UNITED STATES DISTRICT JUDGE
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